

Appl. No. 10/698,288
Amdt. dated September 2, 2004
Reply to Office Action of July 12, 2004

REMARKS

This is responsive to the Office Action dated July 12, 2004 in which claims 1-31 were examined and rejected. Additionally, the specification was objected to for allegedly introducing new matter. Specifically, the head of the shank as shown in Fig. 4 was allegedly new matter. In response thereto, Applicants have deleted Fig. 4 and amended the specification accordingly herein to thereby overcome this objection.

Claims 2,3,11,12,19,20 and 27 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement for containing subject matter not described in the specification. Specifically, the fact that the tapered region of the shank extends "substantially the entire length of the shank" and "over a substantial portion of the length of the shank" were allegedly not described in the specification. Applicants respectfully disagree and traverse this rejection.

These features of the tapered region(s) of the shank are clearly shown in Figs. 1-3 and 6-7 originally filed with this application, now numbered Figs. 1-3 and 5-6 in light of the deletion of original Fig. 4. In addition, page 4, lines 19-21 of the specification state: "In certain embodiments of this invention, the tapered region extends the entire length of the shank of the pin and includes two portions." Moreover, page 10, lines 1-2 state: "In one embodiment, the tapered region 20 extends the entire length of the shank 14 from the head 12 to the blunt tip 16."

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In view of these portions of the specification, Applicants respectfully assert that one of ordinary skill in the art would readily understand that the inventors had possession of the identified claim features (that the tapered region of the shank extends "substantially the entire length of the shank" and "over a substantial portion of the length of the shank") at the time the application was filed. Therefore, Applicants respectfully request reconsideration and withdraw of this § 112 rejection.

Claims 1-8 and 10-29 were rejected under § 102(b) as being anticipated by U.S. Patent No. 5,251,868 to Trimmer. Also, claims 9, 30 and 31 were rejected under § 103(a) as being obvious over Trimmer in view of either U.S. Patent No. 4,194,717 to Easton or U.S. Patent No. 5,802,795 to Myers. The bases for each of these rejections, at least in pertinent part, is that Trimmer discloses a pin with a pair of tapered regions 30 and 32 (see Col. 3, lines 46-49 of Trimmer). Applicants respectfully request reconsideration of the claims in light of the amendments made herein and the following comments.

One feature of Applicants invention is that the dual tapered regions on the shank of the pin meet at a juncture which is positioned to intersect the through slot in the pin. The tapered sections are identified by numerals 21 and 22, the juncture by numeral 26 and the slot is 24. The location of the juncture is advantageous during disassembly of the wall form panels. The pin is specifically designed to aid in it's own ejection by using the pressure from the ties in combination with the slope of the tapered

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sections of the pin to accelerate and continue its movement once set in motion by impact at the tip of the pin. This point of transition between the tapered sections aids in the ejection of the pin from the mated forms. Applicants respectfully assert that the position of the juncture 26 as claimed in each of the claims now pending is novel and nonobvious in view of the prior art of record, including Trimmer.

In contrast, the juncture between the adjacent tapered sections in the pin of Trimmer clearly does not intersect the slot. It is spaced from the slot and is closer to the tip of that pin as seen in Figs. 1 and 3 of Trimmer. Therefore, Applicants respectfully assert that the pending claims are both novel and nonobvious in view of Trimmer and the other cited art and that the § 102 and 103 rejections have been overcome.


As a result of the amendments to the claims and the remarks given herein, applicant respectfully asserts that the claims as presented herein are in condition for allowance and request notification of same at the Examiner's earliest convenience. If the Examiner feels that any matter in this case requires further

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attention prior to issuing a Notice of Allowance, he is respectfully asked to telephone
the undersigned attorney so that the matter may be promptly resolved.

Respectfully submitted,

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Amendments to the Drawings

Enclosed herewith are two amended formal drawing sheets to replace the two formal drawing sheets originally filed with this application. The amendments to the drawings include the deletion of original Fig. 4 and the renumbering of original Figs. 5-7 as Figs. 4-6.